

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

BARRY LEPOFSKY,

Plaintiff,

v.

GARDEN FRESH SALSA, INC.,

Defendant.

CIVIL ACTION NO. 14-cv-11772

DISTRICT JUDGE SEAN F. COX

MAGISTRATE JUDGE MONA K. MAJZOUN

ORDER GRANTING IN PART AND DENYING IN PART
PLAINTIFF'S MOTION TO COMPEL [14]

For the reasons stated on the record at a hearing held on May 28, 2015, at 2:30 p.m., **IT IS ORDERED** that Plaintiff Barry Lepofsky's Motion to Compel [14] is **GRANTED IN PART** and **DENIED IN PART** as follows:

- a. Plaintiff's Motion to Compel the production of documents responsive to Plaintiff's First Request for Production (RFP) nos. 1, 2, 3, 4, 5, 7, and 9 is **GRANTED** to the extent that Defendant has not yet produced all responsive documents within its custody, possession, or control. If Defendant has withheld documents on the basis of the attorney-client privilege or under the work product doctrine, Defendant will provide a privilege log to Plaintiff if it has not already done so. Defendant will produce said documents and/or a privilege log within thirty (30) days of this Order.
- b. Plaintiff's Motion to Compel the production of documents responsive to Plaintiff's First RFP nos. 15, 16, 17, 18, 19, 20, 28, 29, 30, 31, 36, 37, and 38 is **DENIED**;

- c. Plaintiff's Motion to Compel the production of documents responsive to Plaintiff's Second RFP nos. 1 and 4 is GRANTED. Within thirty (30) days of this Order, the parties will draft, stipulate to, and submit a Joint Protective Order to the Court for signature to protect the confidentiality of these documents. Defendant will produce documents responsive to the aforementioned RFPs within fourteen (14) days of the entry of the protective order. At Defendant's discretion, a privilege log may be produced and entered;
- d. Plaintiff's Motion to Compel the production of documents requested in Plaintiff's December 30, 2014 subpoena duces tecum is DENIED as moot;
- e. Plaintiff's Motion to Compel the production of documents listed on Defendant's January 23, 2015 privilege log is DENIED;
- f. Plaintiff's Motion for an order that a forensic examination of Defendant's computer and email system be conducted was withdrawn by Plaintiff at the hearing; and
- g. Plaintiff's Motion for its expenses incurred in bringing this Motion is DENIED.

NOTICE TO THE PARTIES

Pursuant to Federal Rule of Civil Procedure 72(a), the parties have a period of fourteen days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. § 636(b)(1).

Dated: May 28, 2015

s/ Mona K. Majzoub
MONA K. MAJZOUB
UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I hereby certify that a copy of this Order was served upon Counsel of Record on this date.

Dated: May 28, 2015

s/ Lisa C. Bartlett
Case Manager